

POLITICAL ACTIVITIES FREQUENTLY ASKED QUESTIONS 2010

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FREQUENTLY ASKED QUESTIONS CONCERNING POLITICAL ACTIVITIES



The following questions have been asked by Department of Commerce employees about engaging in political activities. The answers may be useful in guiding all employees. However, employees are encouraged to ask advice of an ethics official before engaging in any political activity. An attorney from the Ethics Law and Programs Division of the Office of the Assistant General Counsel for Administration may be contacted by e-mail at ethicsdivision@doc.gov or by telephone at 202-482-5384.

1. Which employees are covered by the political activities restrictions of the Hatch Act (the law that restricts Government employees)?

All Federal Government employees are covered by the Hatch Act, although some are subject to greater restrictions than others. Most employees are subject to only the basic restrictions, which prohibit: engaging in political activities during duty hours or on Government premises, using the authority of one's Government position to influence an election, engaging in fund-raising (either on duty or off, with an exception regarding certain union fund-raising), and running for office in a partisan election (with an exception regarding local elections in certain localities). Career Senior Executive Service (SES) employees* are, in addition, prohibited from actively engaging in campaign activities, even during non-duty hours. On the other hand, employees in an intermittent position or serving less than a 130-day period may engage in fund-raising during non-duty hours and Senate-confirmed Presidential appointees (except the Inspector General) may engage in some political activities on Government premises. Contractors and non-employees, such as some guest workers, are not covered by the Hatch Act, but are still barred from engaging in political activities while on Government premises or using Government resources for political purposes.

2. Are Federal employees prohibited from displaying partisan bumper-stickers on their personal Governmental vehicles?

No, unless that vehicle is being used to conduct Government business, in which case the bumper sticker must be covered. A vehicle is considered being used for Government business (official use) when transportation is being used to conduct official business, such as when used by a field census worker to visit homes to conduct a census. Travel between

* Also applicable to administrative law judges and NOAA Corps officers.

an employee's home and Government office is personal use and the vehicle may display a bumper sticker, even if parked on Government premises in an office parking lot (although, if parked on a Government lot, the vehicle may have only one bumper sticker; other partisan political signs on the vehicle are not allowed).

3. May a Federal employee work for a political organization while on leave (with or without pay)?

Federal employees who are not career members of the SES* may engage in political activities while on leave and during non-duty hours.

4. May a Federal employee contribute money to a political party or candidate?

Yes. All Federal employees may give money to a party or candidate.

5. May a Federal employee host a political fund-raising event at his or her personal residence?

No, but an employee may donate his or her residence to be used by a campaign for a fund-raiser; the employee could then attend the event as a guest. (In such case, the employee must be careful not to perform any hosting duties and the location should not be described in invitations by using the employee's name, such as: "at the home of [the employee].")

6. Is merely referencing a political fund-raising event in an e-mail sent from a Federal employee's work account prohibited?

Yes. So is forwarding such an e-mail using access to either a personal or agency e-mail account using one's Government access or a Government computer.

7. What constitutes a misuse of Government resources?

Use of any service, equipment, or supplies paid for by the Government in connection with a partisan political activity is prohibited, including access to the Internet or an e-mail account from a Government computer, using a telephone to campaign for a candidate, using a copying machine for campaign literature, or holding a political meeting in a Government office.

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8. May a Federal employee consider a letter of recommendation from a Member of Congress relating to a potential GS-employee?

No, if the position in question is a competitive services position and the letter is not based on personal knowledge or records of the employee's experience, work performance, or abilities (or is limited to character or residence).

9. Are any political activities, other than the solicitation, acceptance, or receipt of funds, prohibited during off-duty hours?

Yes, ethics regulations regarding outside activities also apply to political activities, so work for a campaign that may create a conflict of interest or appearance problem, such as work closely related to an employee's Government duties, may present a problem and be prohibited. This would need to be determined on a case-by-case basis. Furthermore, career SES members* are barred from any active work for a campaign, including during non-duty hours.

10. Are employees permitted to wear clothing or buttons containing political messages supporting candidates or causes during business hours?

Yes and no. Employees (and other office workers, such as contract workers) are barred from wearing buttons relating to a political campaign, party, or candidate. However, buttons containing views regarding policy issues are not barred by the Hatch Act (but may be limited based on office dress codes or general rules regarding maintaining office decorum).

11. May a Federal employee manage a political campaign or serve as an officer in a political party organization?

Yes, if he or she is not a career SES member*, except that an employee may not be a Treasurer if state law requires that all campaign or organization correspondence, including fund-raising letters, include a reference to the identity of the Treasurer.

* Also applicable to administrative law judges and NOAA Corps officers.

12. May a Federal employee attend a political party's convention?

Yes, all employees may attend a political party's convention as a spectator. However, a career SES member* may not be a delegate in a political convention.

13. May Federal employees attend campaign rallies?

Yes. All employees may attend campaign rallies and similar events.

14. Does the Hatch Act violate the First Amendment?

No; the Hatch Act, and the restrictions on political activities it contains, have been upheld by Federal courts.

15. May a Federal employee allow his name to be used on a third-party's letter announcing that individual's political candidacy?

Yes, unless the employee is a career SES member*.

16. Are non-Federal employees, such as third-parties conducting an on-site training session, prohibited from engaging in political activities?

Yes. This restriction is not based on the Hatch Act, but on the Government's right and obligation to operate its facilities and regulate conduct in Government offices.

17. Is there an exception to the Hatch Act if the partisan candidate is the Federal employee's spouse?

No. The same restrictions apply to the political campaign of an employee's spouse as to the campaign of any other candidate.

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18. When may a Federal employee run for office in an election?

Only if the election is non-partisan (candidates are not identified by their party affiliation) or if the employee runs as an independent candidate in a local election in certain designated areas. Designated areas include the Maryland and Virginia suburbs of Washington, D.C., but not Washington, D.C. itself. Other states that include designated areas are Arizona, Alaska, California, Georgia, Indiana, Tennessee, and Washington.

19. Is selling tickets to a partisan fund-raising event permitted?

No. Federal employees may not sell tickets to political events.

20. Is political fund-raising ever permitted?

Yes, a member of an employee union may ask other members of the union (who are not subordinates) to contribute to a multicandidate political committee of the union.

21. May a Federal employee make phone calls to voters on behalf a political campaign?

Yes, if the employee does not solicit funds, the activity takes place during non-duty time and without using Government equipment or services, the calls are not made from a Government facility, and the employee is not a career SES member.*

For advice on the rules regarding engaging in political activities or the application of such rules to specific situations, contact an attorney in the
Ethics Law and Programs Division at
ethicsdivison@doc.gov or 202-482-5384.

Prepared by the Ethics Law and Programs Division, Office of the Assistant General Counsel for Administration, United States Department of Commerce – January 4, 2010

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